

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GOSZTYLA,
Plaintiff,

v.

E. GRUENWALD,
Defendant.

No. 2:22-cv-1725 KJM KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 21. Plaintiff filed objections to the findings and recommendations. ECF No. 22.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The court writes separately only to address plaintiff's objections.

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1 The Magistrate Judge reviewed the record and found undisputed evidence showing
2 plaintiff “has had significant access to the law library.” F&Rs at 4, ECF No. 21. The Magistrate
3 Judge also found this evidence showed plaintiff has not suffered actual prejudice, as would be
4 necessary to prove a claim based on his right to access the prison law library. *See id.* (citing
5 *Lewis v. Casey*, 518 U.S. 343 (1996)). Plaintiff argues he did not have time to respond to
6 defendant’s opposition or to provide evidence about his access to the library, and he attaches
7 evidence to his objections. *See* Objections at 1 & Exs. A–H. Although plaintiff now argues he
8 did not have time to prepare a reply, he did not ask the Magistrate Judge for an extension of his
9 reply deadline. Nor did time pressures prevent plaintiff from preparing and filing an additional
10 motion for injunctive relief after defendant’s opposition was filed and before the Magistrate Judge
11 made findings and recommendations. *See* ECF No. 20. The Magistrate Judge also considered the
12 additional motion. F&Rs at 5–6.

13 The court has nonetheless considered the evidence attached to plaintiff’s objections in an
14 effort to resolve this matter on its merits. Plaintiff’s additional evidence could support his claim
15 that defendant sometimes prohibited him from accessing the library. But it does not contradict
16 the evidence attached to defendant’s motion, which the Magistrate Judge cited: the prison
17 librarian states under penalty of perjury that plaintiff visited the library but did not use that time to
18 perform legal research, instead leaving early or using his time for recreation. *See, e.g.,* Heath
19 Decl. Ex. A at 2. Nor does the evidence attached to plaintiff’s objections show (1) he will suffer
20 irreparable harm unless defendant is enjoined during the time this case is pending, (2) the balance
21 of harms favors an injunction, or (3) an injunction would protect the public interest, as required to
22 obtain a preliminary injunction. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

23 Accordingly, IT IS HEREBY ORDERED that:


- 24 1. The findings and recommendations filed August 8, 2023 (ECF No. 21), are adopted in
25 full;
- 26 2. Plaintiff’s motions for injunctive relief (ECF Nos. 17 & 20) are denied; and

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1 3. This matter is referred again to the assigned Magistrate Judge for all further pretrial
2 proceedings.

3 DATED: September 29, 2023.

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7 CHIEF UNITED STATES DISTRICT JUDGE
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